

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 11, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Deb Schorr, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Patricia Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 4, 2006.**

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting held on April 4, 2006. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, April 11, 2006.**

MOTION: Workman moved and Heier seconded approval of all claims processed through April 11, 2006. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

3) **PUBLIC HEARINGS:**

A. County Special Permit No. 06007, requested by Harry Muhlbach, for authority to do mining for a soil, sand and gravel excavation operation for a period of three years, pursuant to Article 13.001(14) of the County Zoning Resolution, on property generally located at North 56th Street/Highway 77 and Raymond Road (14605 North 56th Street) in Lancaster County, Nebraska. (See New Business Item 5A for correlating resolution.)

The Chair opened the public hearing and asked if anyone wished to provide testify in favor or opposition of the proposal.

The Chief Deputy Clerk administered the oath to Harry Muhlbach, 14607 North 56th Street, Lincoln, Nebraska.

Muhlbach explained that he was applying for the Special Permit because he has several smaller contractors who don't have access to dirt like the larger contractors.

The Chief Deputy Clerk administered the oath to Larry Eckel with ECHO Construction.

Eckel appeared in favor of the proposal and indicated he was working with Muhlbach in the construction of the project. He stated the location would be more cost effective for those on the north side of Lincoln.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

INTRODUCTION OF DEPUTY SHERIFF:

Terry Wagner, Lancaster County Sheriff, introduced Drew Bolzer, Deputy County Sheriff, to the County Board.

3) **PUBLIC HEARINGS CONTINUED:**

B. An application to the Nebraska Department of Economic Development for a Community Development Block Grant for the development of a dairy processing facility for RRJ, LLC d/b/a Legacy Dairy and Creamery. Lancaster County will receive \$305,000 from the Nebraska Department of Economic Development of which \$300,000 will be loaned to RRJ, LLC d/b/a Legacy Dairy and Creamery. (See New Business Items 5B through 5H for correlating documentation.)

The Chair opened the public hearing and asked if anyone wished to provide testimony in favor or opposition of the proposal.

The Chief Deputy Clerk administered the oath to Troy Gagner, Economic Development Coordinator.

Gagner presented the application explaining that it was a \$305,000 request to the State of Nebraska of which \$300,000 would be loaned to the business.

The Board recognized Ron Meyer of Hallam, Nebraska; Jerry Bond of Avoca, Nebraska; and Rex DeFrain of Fairbury, Nebraska, partners of Legacy Dairy and Creamery.

Submitted into the record by Meyer was additional information regarding Legacy Dairy and Creamery (Exhibit 1).

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

4) **OLD BUSINESS:**

A. A resolution regarding the creation of a joint public agency as provided by the Joint Public Agency Act with the participation of the County of Lancaster and the City of Lincoln. The Joint Public Agency is being created to provide for the design, acquisition of land and construction of improvements for the Rural to Urban Roadway Transition Streets Program (RUTS) and the design and acquisition of land for the East Beltway. (R-05-0109) (Removed from pending on March 28, 2006.)

4) **OLD BUSINESS CONTINUED:**

MOTION: Workman moved and Stevens seconded approval of Resolution 05-0109 regarding the creation of a joint public agency as provided by the Joint Public Agency Act with the participation of the County of Lancaster and the City of Lincoln. The Joint Public Agency is being created to provide for the design, acquisition of land and construction of improvements for the Rural to Urban Roadway Transition Streets Program (RUTS) and the design and acquisition of land for the East Beltway.

Discussion followed regarding the creation of a joint public agency for the Rural to Urban Roadway Transition Streets Program (RUTS).

MOTION: Stevens and Schorr voted aye. Hudkins and Workman voted no. Heier abstained from voting due to a possible conflict of interest. Motion failed.

MOTION: Workman moved and Hudkins seconded to deny Resolution 05-0109 with the amendment that the third sentence of the first paragraph read as follows, "The Joint Public Agency is being created to provide for the design, acquisition of land, and construction of improvements for the Rural to Urban Roadway Transition Streets Program (RUTS).".

Workman withdrew his motion. The seconder concurred.

MOTION: Workman moved and Hudkins seconded to remove Resolution 05-0109 from the agenda. Heier, Workman, Hudkins and Schorr voted aye. Stevens voted no. Motion carried.

5) **NEW BUSINESS:**

A. A resolution in the matter of County Special Permit No. 06007, requested by Harry Muhlback, for authority to do mining for a soil, sand and gravel excavation operation for a period of three years on property generally located at North 56th Street (Highway 77) and Raymond Road in Lancaster County, Nebraska. (R-06-0022)

5) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Stevens seconded approval of Resolution 06-0022 in the matter of County Special Permit No. 06007, requested by Harry Muhlbach, for authority to do mining for a soil, sand and gravel excavation operation for a period of three years on property generally located at North 56th Street (Highway 77) and Raymond Road in Lancaster County, Nebraska. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

- B. A memorandum of understanding with the State of Nebraska, Department of Economic Development and RRJ, LLC d/b/a Legacy Dairy and Creamery for a Community Development Block Grant (CDBG) to the County which is loaned to RRJ, LLC for the creation of 16 full-time jobs at a dairy processing facility. Lancaster County will receive \$305,000 from the Department, \$300,000 of which will be loaned to RRJ, LLC. (C-06-0120)**
- C. A project financing agreement between Lancaster County, through its Economic Development Loan Program, and RRJ, LLC d/b/a Legacy Dairy and Creamery, for \$300,000 to RRJ, LLC d/b/a Legacy Dairy and Creamery in Community Economic Block Grant Funds for the development of a dairy processing facility in Hallam, Nebraska. RRJ will create 16 full-time jobs within 24 months of the 'Notice of Approval' letter from the Nebraska Department of Economic Development. (C-06-0121)**
- D. Request from the United States Department of Housing and Urban Development for Release of Funds and Certification regarding a job creation loan for RRJ, LLC d/b/a Legacy Dairy and Creamery to locate a dairy processing facility in Hallam, Nebraska. (C-06-0126)**
- E. Authorization by Lancaster County to request Community Development Block Grant (CDBG) grant funds. The project is for the development of Legacy Dairy and Creamery, a start-up dairy facility, which will process natural, no-hormone added, raw milk from member dairy farms into pasteurized milk.**
- F. A resolution authorizing the Lancaster County Board of Commissioners to apply for an Economic Development Block Grant for the development of Legacy Dairy and Creamery. (R-06-0023)**

5) **NEW BUSINESS CONTINUED:**

G. A resolution adopting a policy opposing discrimination in the acquisition, ownership, possession or enjoyment of housing in Lancaster County, Nebraska. (R-06-0024)

H. A resolution adopting a residential antidisplacement and relocation assistance plan for the development of RRJ, LLC d/b/a Legacy Dairy and Creamery. (R-06-0025)

MOTION: Stevens moved and Hudkins seconded approval of New Business Items 5B through 5H relating to RRJ, LLC d/b/a Legacy Dairy and Creamery. Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

I. A resolution to enact a policy regarding the procedure for handling items on 'Pending' on the Board of Commissioners' Tuesday agendas. (R-06-0026)

This item was held at the request of the County Attorney's Office.

J. An application for a Special Events Permit from Kiwanis Club of Lincoln, Nebraska to hold the Kannonball Road Rally on Sunday, April 23, 2006 from 1 p.m. to 3 p.m. beginning at ArtisanCreed Inc., located at 6220 Logan Avenue, and ending in the parking lot south of Gold's Galleria Building at 10th and "N" Streets.

MOTION: Hudkins moved and Stevens seconded approval of an application for a Special Events Permit from Kiwanis Club of Lincoln, Nebraska to hold the Kannonball Road Rally on Sunday, April 23, 2006 from 1 p.m. to 3 p.m. beginning at ArtisanCreed Inc., located at 6220 Logan Avenue, and ending in the parking lot south of Gold's Galleria Building at 10th and "N" Streets.

Stevens noted that most of the rally would not be held on County roads.

Brad Mallberg, appearing on behalf of the Kiwanis Club of Lincoln, indicated that the event is primarily within the City limits, however, there may be some individuals who may get off track and accidentally get on a County road.

5) **NEW BUSINESS CONTINUED:**

ROLL CALL: Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

K. An agreement for construction engineering services with Olsson Associates for the Jamaica North Trail, Nebraska Department of Roads Project No. STPB-55(150), Control No. 12735. Lancaster County will pay Olsson's a fixed-fee-for-profit of \$3,224.21 and up to a maximum amount of \$32,242.05 for actual costs, for a total amount not to exceed \$35,466.26. (C-06-0125)

MOTION: Workman moved and Stevens seconded approval of an agreement for construction engineering services with Olsson Associates for the Jamaica North Trail, Nebraska Department of Roads Project No. STPB-55(150), Control No. 12735. Lancaster County will pay Olsson's a fixed-fee-for-profit of \$3,224.21 and up to a maximum amount of \$32,242.05 for actual costs, for a total amount not to exceed \$35,466.26. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

L. A service provider agreement between the Nebraska Department of Health and Human Services and Lancaster County, on behalf of the Community Mental Health Midtown Center, for adult day care services. Term of the agreement is May 1, 2006 through April 30, 2007. (C-06-0122)

MOTION: Hudkins moved and Stevens seconded approval of a service provider agreement between the Nebraska Department of Health and Human Services and Lancaster County, on behalf of the Community Mental Health Midtown Center, for adult day care services. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

M. A change of Third Party Administrator (TPA) Status for Payors, Attachment 2.6, with the New York State Department of Health for Lancaster County's self-funded group health plan. The filing will change Lancaster County's Third Party Administrator Status from United Healthcare to Blue Cross and Blue Shield of Nebraska. (C-06-0124)

5) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Stevens seconded approval of a change of Third Party Administrator (TPA) Status for Payors, Attachment 2.6, with the New York State Department of Health for Lancaster County's self-funded group health plan. The filing will change Lancaster County's Third Party Administrator Status from United Healthcare to Blue Cross and Blue Shield of Nebraska. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

N. First Amendment to an agreement with Evercom Systems, Inc., under County Contract No. C-03-0161, for telephone services for Lancaster County Corrections and the Lancaster Correctional Facility. The amendment extends the agreement to December 31, 2008. During the renewal term, the County will receive 45 percent of the gross revenue or a Guaranteed Annual Minimum Commission (GMAC) of \$135,000. The County will also receive certain products, such as trays, carpet and tile, in an amount equal to \$40,000 as part of the renewal with Evercom. (C-06-0118)

O. Second Amendment to an agreement with Evercom Systems, Inc., under County Contract No. C-03-0161, for telephone services for Lancaster County Corrections and the Lancaster Correctional Facility. The amendment allows the Youth Services Center to participate in the agreement for telephone services. Evercom will provide telephone services at the Youth Services Center in accordance with the proposed Statement of Work. The County will receive 35 percent of the gross revenue or a Guaranteed Annual Minimum Commission (GMAC) of \$5,000. The Second Amendment is effective upon execution by both parties and will continue through December 31, 2008. (C-06-0119)

New Business Items 5N and 5O were held at the request of the County Attorney's Office.

P. Recommendation from the Purchasing Agent and the County Engineer to award an order from a State of Nebraska Contract (State Contract No. 11281) to Duo Lift Manufacturing Company, Inc., in the amount of \$16,987, for a tandem axle tilt trailer. (B-06-0015)

5) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Workman seconded approval to award an order from a State of Nebraska Contract (State Contract No. 11281) to Duo Lift Manufacturing Company, Inc., in the amount of \$16,987, for a tandem axle tilt trailer as recommended by the Purchasing Agent and the County Engineer. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

Q. Recommendation from the Purchasing Agent and the Emergency Management Director to award an order from a City of Lincoln contract (Specification 04-060) to Jacobsen Fire Equipment Company for 32 personal protective suits for the Lincoln Fire Department. This will be a total award of \$46,288 using grant funds obtained by the Emergency Management Department. (B-06-0016)

MOTION: Stevens moved and Heier seconded approval to award an order from a City of Lincoln contract (Specification 04-060) to Jacobsen Fire Equipment Company for 32 personal protective suits for the Lincoln Fire Department. This will be a total award of \$46,288 using grant funds obtained by the Emergency Management Department. Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

R. Appointment of John Holz to the Lincoln-Lancaster County Ecological Advisory Committee to a three year term, ending December 31, 2008.

MOTION: Heier moved and Stevens seconded approval of the appointment of John Holz to the Lincoln-Lancaster County Ecological Advisory Committee to a three year term, ending December 31, 2008. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

6) **CONSENT ITEMS:** *These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:*

A. Receive and Place on File:

- 1. Clerk of the District Court's Monthly Reports for February and March, 2006.**
- 2. County Clerk's Monthly Report for March, 2006.**
- 3. Sheriff's Report of Fees for January through March, 2006.**

6) CONSENT ITEMS CONTINUED:

B. Setting of public hearings for Tuesday, April 25, 2006 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:

1. County Special Permit No. 06016, requested by James and Wendy O'Brien, for authority to locate and live in a mobile home while building a permanent residence, pursuant to Article 13.001(20) of the Lancaster County Zoning Resolution, on property generally located at Southwest 119th Street and West Midway Road in Lancaster County, Nebraska.

2. County Special Permit No. 06009, Chambers Estates Community Unit Plan, requested by Engineering Design Consultants on behalf of Jim and Phyllis Chambers, for authority to develop sixteen residential acreages on property located northeast of the intersection of South 54th Street and Wittstruck Road in Lancaster County, Nebraska.

C. Setting of public hearings for Tuesday, May 2, 2006 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:

1. An application for Corporate Manager for James W. Partington in connection with a new application for a Class Y (Farm Winery) liquor license for Deer Springs Winery, L.L.C. d/b/a Deer Springs Winery, located at 16255 Adams Street, Lincoln, Lancaster County, Nebraska.

2. An application for Corporate Manager for Toni L. Parker in connection with a new application for a Class D (Beer, Wine & Distilled Spirits, Off Sale Only) liquor license for Blue Collar Liquor, Inc. d/b/a Blue Collar Liquor, 13940 "O" Street, Unit 1B, Lincoln, Lancaster County, Nebraska.

D. Requests from the following individuals to participate in the Lancaster County Retirement Plan having met the requirements:

- ▶ Nancy J. Miller, an employee with Lancaster Manor
- ▶ William R. Wallace, an employee with Property Management

E. A right-of-way contract relating to road improvements between the Lancaster County Engineering Department and Ted Kossack, in the amount of \$259, on West "A" Street between Southwest 84th Street and the Burlington Northern Sante Fe Railroad; Project C55-M-405(1). (C-06-0123)

6) **CONSENT ITEMS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded approval of the Consent Items. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

7) **PENDING:** *Items currently on pending may be removed at the discretion of the Board and scheduled for action on a regular Board of Commissioners agenda following a two week notification period.*

MOTION: Workman moved and Hudkins seconded to remove Pending Items 7H (Resolution 05-0152, County Final Plat No. 05094: Wyndam Place 2nd Addition) and 7I (Subdivision agreement relating to County Final Plat No. 05094: Wyndam Place 2nd Addition) from pending and send a two week notification to the applicant. Hudkins, Workman, Stevens and Schorr voted aye. Heier abstained from voting. Motion carried.

MOTION: Workman moved and Hudkins seconded to remove Pending Item 7A (County Change of Zone 04053).

Workman withdrew his motion. The seconder concurred.

8) **ADJOURNMENT:**

MOTION: Stevens moved and Workman seconded adjournment of the Board of Commissioners meeting at 2:30 p.m.. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

Patricia Owen
Chief Deputy County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 11, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Deb Schorr, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Scott Gaines, Deputy County Assessor/Register of Deeds
Kristy Mundt, Deputy County Attorney
Patricia Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 4, 2006.**

MOTION: Heier moved and Hudkins seconded approval of the minutes of the Board of Equalization meeting held on April 4, 2006. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 5 additions and deductions to the tax assessment rolls per Attachment "A".

MOTION: Stevens moved and Hudkins seconded approval of the additions and deductions to the tax assessment rolls. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

- 3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Capitol City Christian Church
Food Bank of Lincoln, Inc.
Seventh-day Adventist Schools of Lincoln**

MOTION: Heier moved and Stevens seconded approval of the motor vehicle tax exemptions. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: Heier moved and Stevens seconded adjournment of the Board of Equalization meeting at 2:31 p.m.. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

Patricia Owen
Chief Deputy County Clerk